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2 **BEFORE THE STATE OF WASHINGTON**  
3 **ENERGY FACILITY SITE EVALUATION COUNCIL**

4 In the matter of  
5 Application No. 2002-01

6 BP WEST COAST PRODUCTS, LLC

7 BP CHERRY POINT  
8 COGENERATION PROJECT

EXHIBIT 41.0 (NC – T)

9 **WHATCOM COUNTY'S PREFILED TESTIMONY**  
10 **WITNESS # 41 : Neil Clement**

11 Q: Please introduce yourself to the Council.

12 A: I am Neil Clement. I am a Certified Emergency Manager and serve as the Deputy  
13 Director of the Whatcom County Sheriff's Office Division of Emergency Management.  
14 I am appointed by the Sheriff to oversee the day-to-day operations of the Division. Our  
15 primary function is to mitigate, prepare for, respond to and recover from all hazards.  
16 We are the primary planning and coordinating body for multi-agency, multi-  
17 jurisdictional incidents in Whatcom County. In addition, the Division provides the  
18 counter-terrorism coordination for the jurisdiction. I also Chair the Region One  
19 Homeland Security Council, which is composed of the five northwest Puget Sound  
20 Counties.

18 Q: What is the subject of your testimony?

19 A: I have reviewed those portions of the Application for the BP Cherry Point Cogeneration  
20 Project relevant to emergency management issues. I wish to offer some comments and  
21 concerns, which the project presents from the standpoint of emergency management. In  
22 particular I have concerns about communication, facility security, participation in local  
23 emergency programs, and compliance with specific planning requirements.

23 Q: As to communications concerns, what are those?

24 A: As we learned from the Whatcom Creek Pipeline Incident and more recently when  
25 telephonic communications were compromised, in order to effectively respond to an  
emergency situation, communication interoperability or connectivity is essential.

*Neil Clement*  
*Prefiled Testimony*

*Page 1*

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1 Should the facility be built, it is imperative that its emergency personnel have access to  
2 radio equipment that will function well in conjunction with the outside emergency  
3 response. Should the Energy Facility Site Evaluation Council (EFSEC) recommend  
4 approval of the permit sought, it should take steps to guarantee that the applicant will  
5 acquire and maintain sufficient radio communication equipment on site to insure that in  
6 time of crisis, effective communication will be available between the facility and  
7 emergency responders.

8 Q: As to the threat of terrorism, do you feel the application has adequately addressed and  
9 provided for such threats?

10 A: No, I believe the application's treatment of the threat of terrorism is wholly inadequate  
11 in light of our present circumstances, especially for a facility, which will be producing  
12 the amount of electricity that this facility is proposed to generate. Given the facility's  
13 output, it will likely become an essential facility subject to a heightened threat of risk.  
14 While the application's Section on terrorism provides some instruction on taking a  
15 telephonic bomb threat, it should have some additional instructions on suspicious  
16 packages, mail handling, etc. It also entirely fails to address the Terrorist and Civil  
17 Disorder Incidents suggested in the Section title. Given the increased emphasis on  
18 homeland security, it is my belief that this section should receive much more attention.  
19 Additional planning, coordinated with local emergency response units is needed.

20 I would also ask that facility plans address the need for physical security measures, like  
21 those found at the BP Cherry Point Refinery, to deter hostile threats from outside.

22 Q: Coordination with existing local responders is obviously essential; do you have any  
23 further thoughts on how the cogeneration facility should heighten its involvement with  
24 local responders?

25 A: Yes, given our existing capabilities and organizations, if permitted, I believe the facility  
should be required to become an annually contributing member of the programs, which  
have all been established under the non-profit corporation known as the Specialized  
Emergency Response Program (SERP). A public/private consortium including local  
businesses and industry share the funding of the SERP programs providing specialized  
emergency response capabilities to the community and to the contributors.

Q: Finally, as to regulatory compliance issues, did the application raise any concerns?

A: Yes. From my review of the application, I believe it would be appropriate for the  
EFSEC to additionally require the applicant to comply, as required, with all reporting  
aspects of the Emergency Planning and Community Right-to-Know Act (SARA Title  
III). In addition, it should be made clear that the facility must operate in full

1 compliance with the Risk Management Program requirements of Section 112(r) of the  
2 amended 1990Clean Air Act 40 CFR Part 68.

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END OF TESTIMONY

I declare under penalty of perjury that the above testimony is true and correct to the best  
of my knowledge.

Executed at Bellingham, Washington, on this 4<sup>th</sup> day of November 2003.

By: \_\_\_\_\_  
Neil Clement